

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DASHI HURSEY,

Plaintiff,

Case No. 1:10-cv-1277

v.

HON. ROBERT HOLMES BELL

AARON SHERK, et al,

Defendants.

ORDER

On December 19, 2013, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) (Dkt. No. 113) recommending that the remaining Defendants’ motion for summary judgment be granted. No objections have been filed, however, before the Court is Plaintiff’s motion for an extension of time to respond to the R&R (Dkt. No. 122). Fed. R. Civ. P. 6(b)(1) gives the Court discretion to extend time for an act that “may or must be done within a specified time” for “good cause.” Plaintiff avers that he relies “solely on the Prison legal Writer Program [sic]” as his “only means of help” in prosecuting his case. (Pl.’s Mot., Dkt. No. 122 ¶¶ 3, 7). Plaintiff also “states that the Magistrate Judge has made error” in the R&R, but fails to specify what the error is. (*Id.* at ¶ 4).

Under the timing mechanisms of Rule 6(d), any objections to the R&R would have been due on January 5, 2014. Because that date is a Sunday, the deadline would move to January 6 under Rule 6(a)(1)(C). However, this Court was closed on January 6 and 7 due to hazardous weather conditions. Therefore, an objection filed January 8, 2014, would have been considered timely. No objections

were filed, but rather Plaintiff filed the instant motion on January 8.

Plaintiff has failed to show good cause why an extension should be granted. He has, at most, merely alleged that prison legal writers were too busy to help him, not that the prison system itself impeded his ability to research or prosecute his case, such that his right to access to the courts might be implicated. *See Bounds v. Smith*, 430 U.S. 817 (1977); *Lewis v. Casey*, 518 U.S. 343 (1996). Further, the Court has reviewed this matter thoroughly, and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for an extension of time (Dkt. No. 122) is **DENIED**.

IT IS FURTHER ORDERED that the Magistrate Judge's December, R&R (Dkt. No. 113) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (Dkt. No. 96) is **GRANTED**.

Dated: January 9, 2014

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE